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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7337 OF 2006

Shri Dattu Nathu Borge ... Petitioner

Versus

The State of Maharashtra
and Ors. ... Respondents

Mr. Suresh M. Sabrad for Petitioner.

Mrs. M.P. Thakur, A.G.P. for R. Nos. 1 to 4.

CORAM: F.I. REBELLO &
R.M. SAVANT,JJ.
DATED: MARCH 30, 2007

P.C.:

. It is the case of the Petitioner that the declaration under Section 6 was issued on 13.7.2000 and award was passed only on 12.10.2002 and consequently the award is nullity at law. The Petitioner has approached this court on 29.5.2006. In the Petition itself there is no explanation for the said delay.

. The learned counsel states that as he has filed an application under Section 48 and the outcome of the said application has yet to come. The challenge to the award is distinct and different from the application under Section 48. In our opinion, considering the laches this will not be a fit case for this court to exercise its extra ordinary

jurisdiction. In so far as application under Section 48 is concerned, it is for the Government to take decision whether to give up the acquisition or not. There is no right in the person whose land is acquired to challenge the said decision. Considering that the land itself is acquired for public purpose, no interference is called for. Petition rejected.

(R.M. SAVANT,J.) **(F.I.REBELLO, J.)**